THE HON'BLE SRI JUSTICE P.S.NARAYANAus

W.P.No.15968 of 2006

Dated: 30th August, 2006

Between :-

Dr.Rashid Khalidi .. Petitioner

And

Municipal Corporation of Hyderabad rep.
By its Commissioner, Tank Bund Road,

Hyderabad and another ..

Respondents

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W.P.No.15968 of 2006

ORDER:-

This Court ordered *notice before admission* on 1-8-2006 and *status quo* for a limited period was granted and subsequent thereto the same was further extended for a limited period.

Heard both the Counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in interfering with the fundamental and constiutional rights of the property in respect of petitioner's property bearing Municipal No.10-1-1190/A situated at A.C.Guards, Hyderabad by demolishing a part of the fencing as being illegal, arbitrary, unconstitutional and contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and in violation of principles of natural justice and consequently direct the respondents not to interfere with the rights of the petitioner's property in any manner and pass such other suitable orders.

It is stated that the petitioner is the absolute owner of the property in question having purchased the same under the registered sale deed dated 16-10-1968. It is also stated that the petitioner applied for permission and obtained the same from 1st respondent for constructing a

house. Several other factual details also had been narrated in paras 5 to 10. It is also further specified that Section 452 of the Hyderabad Municipal Corporation Act, 1955 provides that in the event the respondent intends to take any action it has to cause a provisional notice calling for objections and only after such objections are filed and considered, a final notice under Section 636 of the Act is contemplated to be issued prior to undertaking any demolition activity. It is stated that no such notice had been issued which is arbitrary.

In view of the facts and circumstances, the Writ Petition is disposed of with a direction to the respondents not to resort any demolition activity unless and until they follow the due process of law. No order as to costs.

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Justice P.S.Narayana

30th August, 2006

smr